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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,376	08/02/2001	Masahiko Sato	09812.0649-00000.	4275
22852	7590	11/07/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			PYZOWA, MICHAEL J	
		ART UNIT	PAPER NUMBER	
		2137		

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/920,376	SATO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael Pyzocha	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7,9-15 and 17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7,9-15 and 17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. <u>05112006</u> .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

1. Claims 1-7, 9-15, and 16-17 are pending.
2. Amendment filed 10/03/2006 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 9-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton (US 6148205) in view of Harris et al. (US 6282183) and further in view of Daly et al. (US 5875394).

As per claims 1-3, 9-11 and 17, Cotton discloses data communicating means for performing radio communication over a first coverage area and means for performing communication over a second coverage area, comprising the steps of: switching coverage area of two or more radio devices from the first coverage area to the second coverage area, the second coverage

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area being smaller than the first coverage area (see column 5 lines 32-47); bringing the two or more radio devices having the second coverage area to within a proximity of one another so that the coverage areas of the two or more radio devices overlap (see column 2 lines 34-40); and preventing communication with an unintentional portable radio device by narrowing the coverage area of the two or more portable radio devices based on the proximity of the two or more radio devices by reducing the transmission output of one of or both of the devices (see column 2 lines 34-40 and column 6 lines 18-26).

Cotton fails to disclose both devices are portable and initiating mutual authentication by establishing communication between the two or more portable radio devices based only on the bringing of the two or more portable radio devices to within the proximity; performing mutual authentication between the two or more portable radio devices by said authenticating means automatically when the coverage area of the two or more portable radio devices overlap.

However, Harris et al. teaches automatically establishing communication between two portable devices based only on proximity (see column 4 line 47 through column 5 line 2).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the radio devices of

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cotton to both be portable and to automatically establish communication based on proximity.

Motivation to do so would have been to create a personal area network to exchange needs and capabilities (see Harris et al. column 4 line 47 through column 5 line 2).

The modified Cotton and Harris et al. system fails to disclose that mutual authentication is performed when the communication is set up.

However, Daly et al. teaches mutual authentication in a wireless system during the initiation of a communication session (see column 2 lines 8-28).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include mutual authentication in the modified Cotton and Harris et al. system.

Motivation to do so would have been to avoid pirating of critical information (see Daly et al. column 2 lines 8-28).

As per claims 4 and 12, the modified Cotton, Harris et al. and Daly et al. system fails to disclose the use of a button to reduce the transmission output. However, Official Notice is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art to have a authentication on button in the modified Cotton, Harris et al.

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and Daly et al. system. Motivation to do so would have been to allow a device to not access another device located near it.

5. Claims 5-7 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Cotton, Harris et al. and Daly et al. system as applied to claims 1-3, 9-11 and 17 above, and further in view of Addy (US 6288639).

As per claims 5, 6, 13, and 14, the modified Cotton, Harris et al. and Daly et al. system discloses data communicating means for performing radio communication over a first coverage area and means for performing communication over a second coverage area, comprising the steps of: switching coverage area of two or more radio devices from the first coverage area to the second coverage area, the second coverage area being smaller than the first coverage area (see Cotton column 5 lines 32-47); bringing the two or more radio devices having the second coverage area to within a proximity of one another so that the coverage areas of the two or more radio devices overlap (see Cotton column 2 lines 34-40); and preventing communication with an unintentional portable radio device by narrowing the coverage area of the two or more portable radio devices based on the proximity of the two or more radio devices by reducing the transmission output of one of or both of the devices (see Cotton column 2 lines 34-40 and column 6 lines 18-26) and both devices are portable and

initiating mutual authentication by establishing communication between the two or more portable radio devices based only on the bringing of the two or more portable radio devices to within the proximity; performing mutual authentication between the two or more portable radio devices by said authenticating means automatically when the coverage area of the two or more portable radio devices overlap (see Harris et al. column 4 line 47 through column 5 line 2 and Daly et al. column 2 lines 8-28).

The modified Cotton, Harris et al. and Daly et al. system fails to disclose reducing the reception sensitivity.

However, Addy teaches reducing the reception sensitivity (see column 2 lines 58-64).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to reduce the reception sensitivity in the modified Cotton, Harris et al. and Daly et al. system.

Motivation to do so would have been to ensure there is adequate signal margin so that if the radio environment changes during normal operation, the messages have sufficient signal strength to be received by the wireless remote device in this changed, adverse condition (see Addy column 1 line 62 through column 2 line 4).

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As per claims 7 and 15, the modified Cotton, Harris et al., Daly et al., and Addy system fails to disclose the use of a button to reduce the transmission output. However, Official Notice is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art to have a authentication on button in the modified Cotton, Harris et al., Daly et al. and Addy system. Motivation to do so would have been to allow a device to not access another device located near it.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-7, 9-15, and 16-17 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments, with respect to the claim objections and rejections under 35 USC 112 have been fully considered and are persuasive. These objections and 112 rejections have been withdrawn.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brinkmeyer (US 5983347) teaches automatically authentication based on

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proximity; Karaoguz (US 7114010) teaches changing the coverage areas of wireless devices; and Davis (US 6088450) teaches authentication based on proximity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

*Emmanuel L. Moise*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP